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THE DUTY OF THE UNITED STATES TOWARD MEXICO

BY FRANK W. MONDELL,

Member of Congress from Wyoming.

Our relations with the government and the people of Mexico are controlled and affected by three somewhat distinct elements of relationship and obligation. They are:

Primarily, the reciprocal duties and obligations incumbent on all civilized nations and enjoined by international law and usage.

Secondly, those duties and obligations, and the problems they present, as affected by the fact that we are Mexico's only important immediate neighbor and, as secretary of foreign affairs, Gámboa, puts it, "Mexico's nearest friend."

Finally, those duties and obligations as enlarged by the responsibilities we have assumed under the Monroe Doctrine.

The maintenance of a correct attitude toward the government and people of Mexico is rendered the more difficult by reason of the fact that our proximity to Mexico tends to make our border people partisans in case of civil strife in that country, and multiplies the opportunity for, and the likelihood of, losses and injury to our citizens and their property under unsettled conditions. On the other hand this intimate relationship and the responsibilities we have assumed under the Monroe Doctrine, as applied to Mexico, increase the importance of the maintenance of a correct and defensible attitude in our dealings with that neighboring state.

A brief résumé of recent occurrences in Mexico may aid in elucidating the character of the problems there and our relation to them.

The unfortunate Madero revolution started from our border. The Diaz government which it overthrew had, in my opinion, abundant ground for criticising our failure to exercise proper precaution to prevent the hatching and launching of revolutionary movements aimed at the life of a neighboring friendly power. However that may be, the revolution was successful and was promptly recognized by our government. But the Madero government was destined to be short-lived. Undermined by plots and conspiracies and overpowered in

the seat of government, President Madero was forced to resign and Huerta was proclaimed as provisional president two weeks before the close of the Taft administration.

For more than a year the government, of which Huerta is the head, has exercised practically unchallenged jurisdiction over twenty-three of the thirty-one political subdivisions of Mexico, including the capital city, covering more than two-thirds of the territory and three-quarters of the population of the republic.

That government has, in the main, maintained order and protected life and property in the extensive and populous regions under its control. A very large portion of this territory has at no time been seriously disturbed, and the orderly processes of civil government have been but little affected by the civil strife which has been in progress elsewhere.

The government of Mexico under Huerta has long been recognized by most of the powers of Europe and has apparently faithfully endeavored to fulfill its international obligations. The attitude of this government toward our own, even under the trying conditions we have established of unofficial communication through various intermediaries, has been straightforward, frank, and remarkably free from ground for criticism.

The conspiracies and conflicts which preceded the inauguration of the government of Huerta, the lamentable assassination of ex-President Madero which stained the first days of its establishment occurring, as these events did, but a few days before the close of the Taft administration made it incumbent on the outgoing, to leave the incoming administration free to deal with the situation unembarrassed by prior act of recognition.

The new administration adopted an attitude which the President later referred to as one of "watchful waiting." How watchful it was must remain a matter of opinion—that it was one of waiting cannot be disputed.

But this attitude of "watchful waiting" was not maintained down to the time when the President so characterized the attitude of his administration. The policy of our government was substantially modified when the President sent John Lind as his personal representative to, as the President phrased it, "those who are now exercising authority or wielding influence in Mexico."

This mission modified our attitude from one of "watchful wait-

ing" to one of energetic advice, or meddlesome interference, depending on how one views it. The unusual nature and remarkable character of the demands made were very forcibly pointed out in the spirited reply of secretary of foreign affairs, Gamboa. The declaration by those "exercising authority" in Mexico of the impracticability of fully acceding to the President's demands was followed by another period which might, perhaps, be properly called "watchful waiting." This, however, did not long continue.

A radical change in our attitude was clearly indicated by the President's message delivered to Congress December 2, 1913, in which he declared in effect that the government exercising authority over the major portion of Mexico would never be recognized, or dealt with, by our government so long as Huerta was at the head of it, no matter how extensive its authority or control might be, because he said this is a military despotism and we are the friends and champions of constitutional government in America. One will search the annals of American history in vain to find such a note of personal prejudice and individual ill-will toward the head of any government as is found in the language with which the President makes these declarations and in which he predicts the downfall of what he calls a "precarious and hateful power."

Some time after the delivery of this message of the President, the predicted overthrow of the Huerta government not having occurred, the embargo on the shipment of arms into Mexico was raised with the explanation and declaration that there now existed no constitutional government in Mexico entitled to the benefits of that embargo.

Up to the time of the dispatch of John Lind with his very extraordinary instructions to "those exercising authority" in Mexico our attitude, while open to criticism as to its wisdom, was undoubtedly not censurable from the standpoint of international usages. The demands contained in Mr. Lind's instructions upon those "exercising authority" in Mexico did, however, unquestionably establish a new precedent in our international affairs; while the declarations contained in the President's December message, to which I have referred, involve a radical departure from the past policy of our government in dealing with the republics on this continent.

One of the primary obligations resting upon civilized governments is to abstain from meddlesome interference with the internal and domestic affairs of other nations. It is true we are the friends of

constitutional government, we are also its champions as the President states, but we are under no obligation, and have no right or authority, to determine what constitutes constitutional government in other countries. On the contrary we are bound by our international obligations, while favoring the establishment of governments which we deem to be constitutional in form, to recognize such governments as foreign peoples may establish, maintain, and give their adherence to.

We are certainly getting on dangerous ground when we in effect declare that we shall refuse to have official relations with any government, no matter how well established or long maintained, unless it be a constitutional government according to our interpretation. When we further assume the right to pass not only on the legitimacy of governments without regard to the extent, character, or permanence of their authority, but to dictate who shall preside over them, we have assumed an international task that will keep us very busy and much embroiled in the future.

Our national policy in the recognition of governments has been well defined and uniformly adhered to.

In 1830 Secretary of State Van Buren, wrote to Mr. Brown, our chargé d'affaires to Brazil as follows: "Your business is solely with the actual government of the country where you are to reside, and you should sedulously endeavor to conciliate its esteem and secure its confidence. So far as we are concerned that which is the government *de facto* is equally so *de jure*."

The government of Juarez in Mexico was recognized by President Buchanan, though not in possession of the capital, on the ground that it was "obeyed over a large majority of the country and the people."

President Pierce, in a message to Congress of May 15, 1856, relative to the situation in Nicaragua, said, "It is the established policy of the United States to recognize all governments without question of their source or organization, or of the means by which the governing persons attain their power, provided there be a government *de facto* accepted by the people of the country."

Secretary of State Evarts, in a letter written in 1879 to our representative in Venezuela, Mr. Baker, stated that recognition of a government did not depend on its constitutionality; that as our international compacts and obligations were with nations rather than political governments we should be watchful lest our course toward a government should affect our relations with the nation.

In 1899 Secretary Hay authorized our minister to recognize the government of Castro in Venezuela "if the provisional government is effectively administering government of nation and in a position to fulfil international obligations."

Mr. Hill, acting secretary of state, in a letter of September 8, 1900, to Mr. Hart, United States minister at Bogota, stated that it had been the policy of the United States for more than a century, "to base the recognition of a foreign government solely on its *de facto* ability to hold the reins of administrative power."

These are a few of the many declarations by our government of our policy to recognize a government fully established exercising control over the major portion of a nation and disposed to meet its international obligations.

The Italian historian, Ferrero, in a recent review of the Mexican situation, characterized our present attitude toward Mexico as one of masked or indirect intervention, an attitude he said that was accomplished "by giving support to one of the two parties at war, generally the weaker one." In the present case this masked or indirect intervention has been accomplished by giving aid and comfort to every foe of law and order in Mexico, like Zapata, and every enemy of those whom the President has recognized through Mr. Lind as "exercising authority" in Mexico. It has been done by withholding recognition from the Huerta government, by demanding its virtual overthrow, by continued official prediction of its early downfall and, later, by encouraging the sale of arms and munitions of war to its enemies.

These acts are of a character which might easily prompt reprisal on the part of the Mexican government. As a matter of fact, however, they have apparently failed to affect or disturb the very proper attitude of that government toward ours, or to change or modify its disposition and purposes to protect, as far as possible, our citizens and their property in the regions over which that government exercises jurisdiction.

I realize that the American people are not at this time particularly concerned as to the propriety, according to the usages of international intercourse, of the acts and attitude of our government toward the government and people of Mexico. I doubt if they are particularly solicitous over the question as to whether or no the attitude of the administration toward the government of Mexico, in indirectly intervening in favor of its enemies, may be a straining of the authority of the President in dealing with international affairs.

An overwhelming majority of the American people are, however, sincerely anxious to see peace established and are earnestly solicitous to avoid the necessity of armed intervention in Mexico. They have therefore a lively interest in knowing whether the attitude of our government toward Mexico is one calculated to aid in establishing peace and averting the necessity of intervention.

In a speech I delivered in the House of Representatives on Friday, February 27, 1914, I said:

I am persuaded that the acts and attitude of our government have had the effect of prolonging and extending the lamentable condition of appalling disorder and distress which prevail in Mexico; that a continuation of our present policy, or lack of policy, tends to retard indefinitely the establishment of orderly conditions and constitutional government and will, eventually, if persisted in, compel armed intervention, with its inevitable horrors and calamities.

Let us examine the situation for a moment with a view to determining whether the views thus expressed are well founded. The President, in his message of December 2, said: "Mexico has no government" and declared that General Huerta, who is exercising an authority which the President himself has recognized must surrender that authority. It is true that if Huerta were to eliminate himself from the affairs of Mexico and some one else were to take his place whom Zapata, in the South, and Villa, Carranza, and other lesser chieftains in the North would all acknowledge and give loyal adherence to, and no other aspiring revolutionary chieftain appeared, the miracle of thus establishing order might be accomplished.

Such an arrangement would still leave our administration confronted with the embarrassment its recently announced doctrine, relative to constitutionality, would present. Assuming that difficulty could be overcome no one familiar with the situation has the slightest notion that such a program of general conciliation and unanimous self effacement on the part of the rival leaders could be carried out. There can be no doubt in the mind of anyone who has followed the developments in Mexico but that the warring leaders and factions must, some of them at least, be eliminated or persuaded by force before there can be a full restoration of peace.

Assuming that the demand of our administration for the overthrow of Huerta and the government of which he is the head is accomplished by the united forces of the so-called constitutionalists in the

North and the outlaw Zapata in the South, is there any ground for hope that in such a contingency order and constitutional government would be speedily established in Mexico?

Is there anything in the character or past record of the so-called constitutional chieftains to justify the expectation that they could or would attempt to establish a government which would meet its international obligations, or be satisfactory to the majority of the people of Mexico? One must be sanguine indeed who can bring himself to believe that the people of southern and central Mexico and the strong and influential men of the nation, the vast majority of whom now give at least nominal adherence and support to the government of Huerta, would approve or support a government established by the joint efforts of Villa and Zapata even though presided over by so well intentioned an individual as Carranza is reported to be.

Our quite general approval of the unfortunate Madero, our abhorrence of the manner of his untimely taking off and our natural and proper disposition to hold those at the head of the Huerta government responsible for that act inclined our people to approve, for a considerable period, the withholding of recognition, the refusal officially to recognize the Huerta government. The time came, however, when the refusal formally to recognize a government, for the time being at least, firmly established, widely supported, reasonably fulfilling, or attempting to fulfill, its international obligations involved not only a complete reversal of our national policy but a surrender of the only adequate means of protecting our citizens in Mexico and their property and of fulfilling the obligations we have assumed under the Monroe Doctrine, toward the property and citizens of other nations.

It is not only not denied that our refusal to recognize the government of Mexico under Huerta has greatly handicapped that government in securing the means for restoring order throughout the republic, but our administration has gloried in that fact and prophesied the early downfall of the Mexican government as a result. Our attitude therefore has confessedly lengthened the period and increased the violence of disorder in Mexico. If the present government in Mexico be not a constitutional government the extension of its authority over all of Mexico would not make it so. When, however, we compare the very general protection of life and property which has prevailed in the territory controlled by the Huerta government with the confiscation, plunder, murder, rape and rapine which have, in many localities, char-

acterized the victories of the opponents of that government we shall find abundant ground for the belief that our duty to aid and encourage the establishment of peace and order in Mexico would have been better performed had we taken the usual course of recognizing conditions as they are, the Mexican government as it exists, and holding it responsible for the protection of life and property throughout the republic.

No one familiar with the situation in Mexico believes it possible, out of the conditions of turmoil and disorder which now exist there, to bring at once a government of unquestioned constitutionality, perfect in its aims and personnel. Only a strong arm and a determined purpose can establish order there. If we persistently use our influence to weaken the strong arm of the government and to encourage further revolution we are following a path which will inevitably lead us to the point where we must be the strong arm which restores order. Our present attitude therefore is one which leads to intervention as certainly and inevitably as though it were thus planned and purposed.

The only way in which we can hope to perform our duties and obligations reasonably and avoid intervention in Mexico is to cease giving aid and comfort to the guerrilla forces, the outlaw chieftains, the well-meaning figure-heads of revolution, masking under the guise of constitutionalism, and return to the usages of international law and our long established policy and look to the government which is in authority to establish order and protect life and property.